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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

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 12 ALAN MERRIFIELD, et al.,

13 Plaintiffs,

14 v.

15 BILL LOCKYER, Attorney General of the State of
 16 California, et al.,

17 Defendants.

No. C-04-0498-MMC

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 STIPULATION AND
~~PROPOSED~~ ORDER
 REGARDING HEARING
 AND TRIAL DATES

Judge: Hon. Maxine M. Chesney

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1 The parties to this action, through their respective attorneys of record, stipulate and agree
2 as follows:

3 1. Parties believe that this matter can be resolved on summary judgment. Plaintiffs
4 and Defendants will file cross motions for summary judgment.

5 2. The trial date in this case is currently set for July 5, 2005.

6 3. Pursuant to the Court's Pretrial Preparation Order, nonexpert discovery closed
7 April 4, 2005. Expert discovery closed April 25, 2005.

8 4. Pursuant to the Court's Pretrial Preparation Order, hearings on motions for summary
9 judgment must be set 45 days before trial. Pursuant to Local Rule 7-2, motions must be noticed
10 35 days before the hearing date. Notice of motions for summary judgment were therefore due
11 April 1, 2005, according to the original trial date.

12 5. Parties have not yet received all transcripts of depositions necessary for their cross
13 motions for summary judgment.

14 6. Due to a conflict, defense counsel is unavailable for trial on July 5, 2005.

15 7. Parties therefore stipulate to the following dates for this case:

- 16 • Motions for summary judgment shall be filed by May 6, 2005.
 - 17 • Oppositions to summary judgment motions shall be filed by May 13, 2005.
 - 18 • Replies to oppositions to summary judgment motions shall be filed by May 20,
19 2005.
 - 20 • The hearing on cross motions for summary judgment shall be held June 3, 2005.
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- Parties request that the July 5, 2005, trial date be vacated. Should the Court determine that trial is necessary, counsel are available for trial on the following dates: August 22, 24, 25, 26, 29, 30, or 31, 2005.

IT IS SO STIPULATED.

DATED: April 28, 2005.

Respectfully submitted,

MERIEM L. HUBBARD
TIMOTHY SANDEFUR

By

TIMOTHY SANDEFUR

Attorneys for Plaintiffs

DATED: 4/29, 2005.

Respectfully submitted,

BILL LOCKYER
Attorney General of the State of California
WILBERT E. BENNETT
Supervising Deputy Attorney General
DIANN SOKOLOFF
Deputy Attorney General

By

DIANN SOKOLOFF

Attorneys for Defendants

IT IS SO ORDERED, that cross-motions will be briefed and heard on the above-stipulated schedule. Upon review of said motions, the Court will determine whether the issues are solely legal in nature, thus eliminating the need for a trial. If factual issues remain, the July 5 trial date will not be vacated as an unexplained "conflict" is insufficient to show good cause for a continuance.

DATED: May 2, 2005

/s/ Maxine M. Chesney

HONORABLE MAXINE M. CHESNEY
United States District Court Judge

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